

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

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In the Matter of License 6504 (Application 12717)

**ORDER DIRECTING ISSUANCE OF SEPARATE LICENSES,  
AND SUPERCEDING ORIGINAL LICENSE**

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SOURCE: Lone Tree Creek

COUNTY: San Joaquin

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**WHEREAS:**

1. License 6504 was issued to Lucky McFall, Jr., and Louise McFall on March 21, 1962, pursuant to Application 12717, and was recorded with the County Recorder of San Joaquin on March 21, 1962.
2. License 6504 was subsequently passed to Calvin Bright through a land transfer.
3. By letter dated March 24, 1999, Calvin Bright divided the places of use under License 6504 to: (A) John and Sandy Smith for five irrigated acres (APN# 203-050-027); and (B) Rodajama Properties for 43 irrigated acres (APN #203-05-026 and #203-05-031). All three parties signed the letter.
4. Rodajama Properties subsequently sold a portion (nine acres) of its holdings to Max Slater and Donna Slater, and the Smiths sold their holdings to James Whittler.
5. In accordance with the California Water Code, section 836, the Board concludes that in 1999, the place of use under License 6504 was divided and each of the owners succeeded to separate interests in the license. Therefore, it is appropriate to split the License into three separate holdings as follows:

Nine (9) irrigated acres to Max Slater and Donna Slater for (APN #203-05-032);  
Five (5) irrigated acres to James Whittler for (APN #203-05-027);  
34 irrigated acres to Rodajama Properties for (APN #203-05-26 and #203-05-031).
6. The license terms relating to continuing authority and water quality objectives of the State Water Resources Control Board (SWRCB) should be updated to conform to section 780(a) and 780(b), title 23 of the California Code of Regulations.
7. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these Acts.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. License 6504 is hereby replaced and superseded upon the issuance of License 6504A to Max Slater & Donna Slater, License 6504B to James Whittler, and License 6504C to Rodajama Properties.

2. Separate Licenses be issued as follows:

**A. License: 6504A (Application 12717A)**

Owner: Max Slater and  
Donna Slater  
13918 Jack Tone Road  
Manteca, CA 95336

Source: Long Tree Creek tributary to French Camp Slough  
thence San Joaquin River

Use: Irrigation

Amount: Direct Diversion of 0.09 cubic foot per second (cfs)

Season: May 1 to October 31

Point(s) of Diversion: (1) By California Coordinates of 1927, Zone 3, North 487,500 feet and E 1,815,300 feet, being within SW¼ of NW¼ of section 19, T1S, R8E, MDB&M.

(2) By California Coordinates of 1927, Zone 3, North 487,400 feet and East 1,816,500 feet being within SE¼ of NW¼ of section 19, T1S, R8E, MDB &M.

Place of Use: 9 net acres within a gross area of 10 acres, within the SW¼ of NW¼ and the NW¼ of NW¼ of section 19, T1S, R8E, MDB&M, as shown on map dated August 2, 1999 and identified by County Assessor's Parcel (APN: #203-05-032).

**B. License: 6504B (Application 12717B)**

Owner: James Whittler  
13918 Jacktone Road  
Manteca, CA 95336

Source: Lone Tree Creek tributary to French Camp Slough  
thence San Joaquin River

Use: Irrigation

Amount: Direct Diversion of 0.06 cfs

Season: May 1 to October 31

Point(s) of Diversion: (1) By California Coordinates of 1927, Zone 3, North 487, 500 feet and East 1, 815,300 feet, being within SW¼ of NW¼ of section 19, T1S, R8E, MDB&M.

(2) By California Coordinates of 1927, Zone 3, North 487, 400 feet and East 1,816,500 feet being within SE¼ of NW¼ of section 19, T1S, R8E, MDB&M.

Place of Use: 5 net acres within a gross area of 10 acres, within the SE¼ of NW¼ of section 19, T1S, R8E, MDB&M, as shown on a map dated August 2, 1999 and identified by the County Assessor's Parcel APN #203-05-027.

C. **License: 6504C** (Application 12717C)

Owner: Rodajama Properties  
c/o Dan Van Groninger  
15100 South Jack Tone Road  
Manteca, CA 95336

Source: Lone Tree Creek tributary to French Camp Slough  
thence San Joaquin River

Use: Irrigation

Amount: Direct Diversion of 0.35 cfs

Season: May 1 to October 31

Point(s) of Diversion: (1) By California Coordinates of 1927, Zone 3,  
North 487,500 feet and East 1,815,300, feet being within  
SW¼ of NW¼, of section 19, T1S, R8E, MDB&M.

(2) By California Coordinates of 1927, Zone 3,  
North 487, 400 feet and East 1,816,500 feet being within  
SE¼ of NW¼ of section 19, T1S, R8E, MDB&M.

Place of Use: 34 net acres within a gross area of 77.21

2.5 acres within the SW¼ of NW¼ of section 19,  
11.5 acres within the NW ¼ of NW¼ of section 19, and  
20.0 acres within the NE¼ of NW¼ of section 19, all within T1S, R8E,  
MDB&M, as shown on a map dated August 2, 1999 and identified by the  
County Assessor's Parcel APN#203-05-026 and 203-05-031.

3. License 6504A, 6504B, and 6504C shall contain all other terms and conditions presently in License 6504 or updated terms to reflect compliance with the SWRCB's policies.

4. The continuing authority condition, shall be updated and read as follows:

Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit/license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee/licensee without unreasonable draft on the source. Permittee/Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

5. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

6. The addition of a condition to the license that reads as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

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STATE WATER RESOURCES CONTROL BOARD



*Edward C. Anton*  
*Division of Water Rights*

Dated: **APR 18 2002**